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CINDY CAPOTE

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

CINDY CAPOTE,

Plaintiff,

v.

CSK AUTO, INC. dba O'REILLY AUTO  
PARTS, O'REILLY AUTOMOTIVE, INC.,  
O'REILLY AUTOMOTIVE STORES, INC.,

Defendants.

NO. CV122958NC

**PLAINTIFF'S REQUESTED VERDICT  
FORMS**

TRIAL: 9/22/14  
JUDGE: Hon. Jon Tigar

**VERDICT FORMS**

**First Claim with respect to Disability Discrimination**

1. Did Cindy Capote have a physical condition that limited a major life activity or did CSK AUTO regard her as having such a condition?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 1 is yes, then answer question 2. If you answered no, then sign and date this verdict.

2. If you found that Cindy Capote had a physical condition that limited a major life activity, did CSK AUTO know of that condition?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Answer question 3.

3. Was Ms. Capote able to perform the essential job duties of the Driver Specialist or Parts Specialist positions with or without accommodation?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 3 is yes, then answer question 4. If you answered no, then sign and date this verdict.

4. Did CSK AUTO subject Ms. Capote to an adverse employment action?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 4 is yes, then answer question 5. If you answered no, then sign and date this verdict.

5. Was Cindy Capote's physical condition a substantial motivating reason for CSK AUTO's decision to subject Ms. Capote to an adverse employment action?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 5 is yes, then answer question 6. If you answered no, then sign and date this verdict.

6. Was CSK AUTO's conduct was a substantial factor in causing harm to Ms. Capote?

Sign and date this verdict.

DATED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDING JUROR

**Second Claim with respect to Failure to Engage in Interactive Process**

1. Did Cindy Capote have a physical condition that was known to CSK AUTO or did CSK AUTO regard her as having such a condition?? \_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 1 is yes, then answer question 2. If your answer to question 1 is no, then sign and date this verdict.

2. Did Ms. Capote request that CSK AUTO make reasonable accommodation for her physical condition so that she would be able to perform the essential duties of the job?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 2 is yes, then answer question 3. If your answer to question 2 is no, then sign and date this verdict.

3. Was Cindy Capote willing to participate in an interactive process to determine whether reasonable accommodation could be made so that she would be able to perform the essential job duties of the Driver Specialist or Parts Specialist position?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 3 is yes, then answer question 4. If your answer to question 3 is no, then sign and date this verdict.

4. Did CSK AUTO fail to participate in a timely, good-faith interactive process with Cindy Capote to determine whether reasonable accommodation could be made?

\_\_\_\_\_ Yes \_\_\_\_\_ No

1 If your answer to question 4 is yes, then answer question 5. If your answer to question 4  
2 is no, then sign and date this verdict.

3  
4 5. Was CSK AUTO the cause of the breakdown of the interactive process?

5  
6 \_\_\_\_\_ Yes \_\_\_\_\_ No

7  
8 If your answer to question 5 is yes, then answer question 6. If your answer to question 5  
9 is no, then sign and date this verdict.

10  
11 6. Was CSK AUTO's failure to participate in the interactive process a substantial  
12 factor in causing harm to Cindy Capote?

13  
14 \_\_\_\_\_ Yes \_\_\_\_\_ No

15 Sign and date this verdict.

16 DATED: \_\_\_\_\_

17 \_\_\_\_\_  
18 PRESIDING JUROR  
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**Third Claim with respect to Failure to Accommodate Disability**

1. Did Cindy Capote have a physical condition that limited a major life activity or did CSK AUTO regard her as having such a condition??

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 1 is yes, then answer question 2. If you answered no, then sign and date this verdict.

2. If you found that Cindy Capote had a physical condition that limited a major life activity, did CSK AUTO know of that condition?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Answer question 3.

3. Was Ms. Capote able to perform the essential job duties of the Driver Specialist or Parts Specialist positions with or without accommodation?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 3 is yes, then answer question 4. If you answered no, then sign and date this verdict.

4. Did CSK AUTO fail to provide reasonable accommodation for Cindy Capote's actual or perceived disabilities?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 4 is yes, then answer question 5. If you answered no, then sign and date this verdict.

1           5.       Was CSK AUTO's failure to provide reasonable accommodation a substantial  
2 factor in causing harm to Cindy Capote?

3  
4       \_\_\_\_\_ Yes \_\_\_\_\_ No

5  
6 Sign and date this verdict.

7  
8 DATED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDING JUROR

**Fourth Claim with respect to Failure to Prevent Discrimination**

**Answer the following questions only if you answered yes to question 6 of the First Claim.**

1. Did CSK AUTO fail to take reasonable steps to prevent discrimination?

\_\_\_\_\_Yes \_\_\_\_\_No

If your answer to question 1 is yes, then answer question 2. If you answered no, then sign and date this verdict.

2. Was CSK AUTO's failure to prevent discrimination a substantial factor in causing harm to Cindy Capote?

\_\_\_\_\_Yes \_\_\_\_\_No.

Sign and date this verdict.

DATED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDING JUROR



**Fifth Claim with respect to Wrongful Discharge in Violation of Public Policy**

1. Was Cindy Capote employed by CSK AUTO?

\_\_\_\_\_Yes \_\_\_\_\_No

If your answer to question 1 is yes, then answer question 2. If you answered no, then sign and date this verdict.

2. Did CSK AUTO discharge Ms. Capote?

\_\_\_\_\_Yes \_\_\_\_\_No

If your answer to question 2 is yes, then answer question 3. If you answered no, then sign and date this verdict.

3. Was Ms. Capote's disability a substantial motivating reason for Ms. Capote's discharge?

\_\_\_\_\_Yes \_\_\_\_\_No

If your answer to question 3 is yes, then answer question 4. If you answered no, then sign and date this verdict.

4. Was the discharge a substantial factor in causing harm to Ms. Capote?

\_\_\_\_\_Yes \_\_\_\_\_No

Sign and date this verdict.

DATED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDING JUROR

**Damages**

**Answer the following questions only if you have answered yes to question 6 of the First Claim, question 5 of the Second Claim, question 6 of the Third Claim, question 2 of the Fourth Claim, or question 4 of the Fifth Claim.**

1. What are Cindy Capote's damages?

a. Past lost earnings: \_\_\_\_\_

b. Future lost earnings: \_\_\_\_\_

c. Past noneconomic loss: \_\_\_\_\_

d. Future noneconomic loss: \_\_\_\_\_

2. Did Cindy Capote prove by clear and convincing evidence that an officer, director or managing agent of CSK AUTO committed, authorized or ratified an act of malice, oppression or fraud?

\_\_\_\_\_ Yes \_\_\_\_\_ No

3. If yes, what amount of punitive damages do you award?

\_\_\_\_\_

Sign and date this verdict.

DATED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDING JUROR

**VERDICT FORMS**